

Serial No. 10/559,370
Atty. Doc. No. 2003P05858WOUS

REMARKS

Notice of Non-Compliant Amendment:

The Preliminary Amendment filed on 12/06/2005 is deemed to be non-compliant because the newly added claims 19-28 were not marked with a status identifier. This paper includes (beginning on page 2) the corrected claims section including the proper status identifier (new) for each of the claims 19-28.

Election of Species:

The Examiner has identified Species A-E related to the fluid passageways and Species 1-2 related to the fluid supply. The Applicant provisionally elects Species B and Species 2 and traverses this requirement in order to preserve a right of petition.

As to the fluid passageways, claim 26 is specifically Species B, and claims 19-24 and 28 are generic. As to the fluid supply, claims 23 and 24 are specifically Species 2 and claims 19-22 and 25-28 are generic. Thus, claims 19-24, 26 and 28 are provisionally elected for initial examination with traverse.

First, the Applicant submits that the Examiner has not established the necessary support for either of the two species election requirements. The Examiner merely makes the conclusory statement that the species require a different field of search, without providing an appropriate explanation of those fields. Similarly, the Examiner makes the conclusory statement that prior art applicable to one species would not likely be applicable to another species, without giving any example of such art. The Examiner has not identified any different search classes or subclasses that may be applicable to one and not another of the species. Furthermore, the Examiner makes the conclusory statement that the species are likely to raise different non-prior art issues under 35 USC 101 or 112 without identifying any such issues. This statement could be made for any two claims in any application, and without an appropriate explanation of the issues of concern, it fails to justify the requirement.

Second, the Applicant specifically traverses the need for election between Species B and E. The embodiment of Species E shown in Figure 11 includes the fluid passageway features of

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Species B (Figure 4) plus additional fluid passageway features formed on the inside surface of the annular member. Thus, Species B includes Species E and there is overlap there between. Thus, the field of search of these two species must clearly overlap and no serious burden is imposed on the Examiner by combining these two Species. Species E specifically includes claim 27, and thus claim 27 should be examined along with the provisionally elected claims 19-24, 26 and 28.

Third, the Applicant specifically traverses the need for election between Species A and D. The embodiment of Species D shown in Figure 7 includes the fluid passageway features of Species A (Figures 1-3 and 6) plus additional features formed on the inside surface of the annular member. Thus, Species A includes Species D and there is overlap there between. Thus, the field of search of these two species must clearly overlap and no serious burden is imposed on the examiner by combining these two Species. Species A specifically includes claim 25 and no claim is directed specifically to Species D; thus this traversal does not affect the listing of provisionally elected claims, but is a necessary traversal for petition purposes and for possible impact on divisional applications arising from this application.

Conclusion

Entry of this paper and the examination of claims 19-28 are respectfully requested.

Respectfully submitted,

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